

US Army Corps
of Engineers
Rock Island District

PUBLIC NOTICE

Applicant: Dynegy Midwest Generation, Inc.

Date: April 20, 2004

Expires: May 10, 2004

CEMVR-OD-P-2004-452

Section: 10/404

**Joint Public Notice
US Army Corps of Engineers
Illinois Environmental Protection Agency
Illinois Department of Natural Resources/Office of Water Resources**

1. **Applicant.** Dynegy Midwest Generation, Inc., Havana Power Station, 15260 North State Route 78, Havana, Illinois 62644-9733.

2. **Project Location.** Section 11, Township 22 North, Range 9 West; Havana, Mason County, Illinois; approximate Illinois River mile 118.4.

3. **Project Description.**

a. Previous Authorization. In 1993, Department of the Army authorization (CENCR-OD-S-276000) was granted to Illinois Power Company to perform maintenance dredging at the power station. This authorization expires December 31, 2002.

b. Current Request. The applicant proposes to perform maintenance dredging on the on left bank of the Illinois River in front of the Havana Power Station. Approximately 60,000 cubic yards of material will be removed by hydraulic dredging from an area measuring approximately 300 feet wide by 3100 feet long in front of the coal unloading facility. The area will be dredged to elevation 418 feet msl. The dredged material will be placed in the secondary cell of the station's south ash pond system. The outfall from the dredged material placement site (south ash pond) will flow into the Illinois River. Past dredging frequency has been about once each three years.

4. **Agency Review.**

a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

b. State of Illinois.

(1) The applicant has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notices/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below. Written comments specifically concerning possible impacts to water quality should be addressed to: Illinois Environmental Protection Agency, Bureau of Water, Watershed Management Section, 1021 N. Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. A copy of the written comments should be provided to the Corps of Engineers. If you have any questions, please contact IEPA at (217) 782-3362.

(2) The Illinois Department of Natural Resources, Office of Natural Resources (IDNR/OWR), application is being processed pursuant to an Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois, Chapter 615, ILCS 5 (Illinois Compiled Statutes (1994)). Comments concerning the IDNR/OWR permit should be addressed to the Illinois Department of Natural Resources, Office of Water Resources, One Natural Resources Way, Springfield, Illinois 62702-1271, with a copy provided to the Corps of Engineers (see paragraph 11. of this public notice for address). Mr. Mike Diedrichsen, IDNR/OWR (217/782-3863), may be contacted for additional information.

5. Historical/Archaeological. The permit area is in the same area as the previously approved maintenance dredging permit number CENCR-OD-S-276000 dated November 29, 1993. The Corps of Engineers has determined that the work is confined to recently deposited alluvium within the active river channel with the dredged material deposition to take place in an ash pond used under the prior permit. Therefore, it is the opinion of the Corps of Engineers that issuance of the permit will not affect historic properties because “the nature, scope, and magnitude of the work, and/or structures to be permitted are such that there is little likelihood that a historic property exists or may be affected” (33 CFR Part 325, Appendix C.3.b).

6. Endangered Species. District staff have performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. Based upon the information provided and available at this time, our preliminary determination is that the proposed activity would have no effect on federally-listed endangered or threatened species or critical habitat. While no consultation has been initiated with the United States Fish and Wildlife Service (FWS) at this time, we are further coordinating this application with the FWS and the respective resource agencies through this public notice. Accordingly, our preliminary determination is subject to change should further information become available.

7. Dredge/Fill Material Guidelines. The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. Who Should Reply. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. Public Hearing Requests. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. **Reply to the Corps of Engineers.** Comments concerning the Corps permit should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: OD-P (Wayne Hannel), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Wayne Hannel (309/794-5378)** may be contacted for additional information.

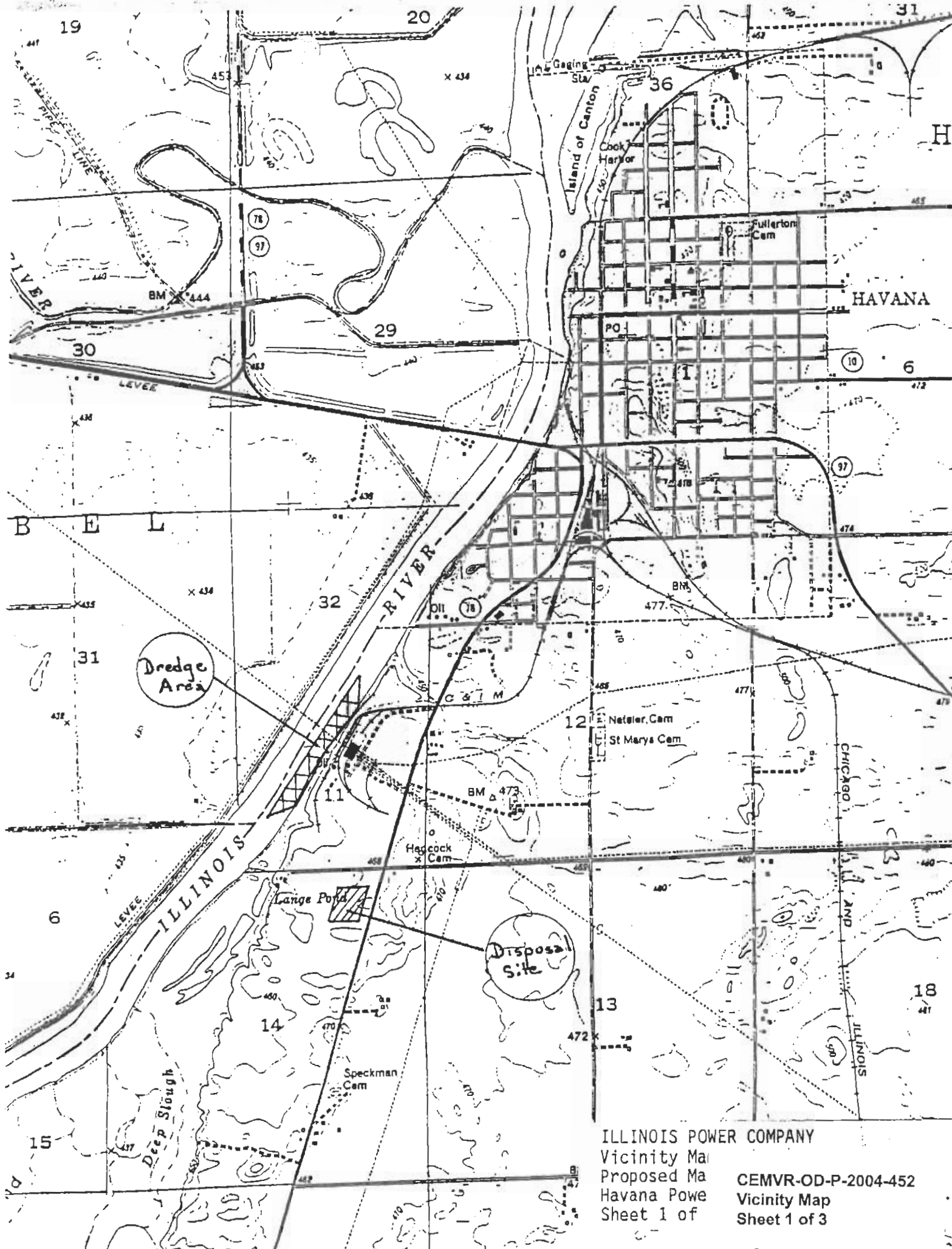
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Attach
Plan

Wayne Hannel
Project Manager
Regulatory Branch

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

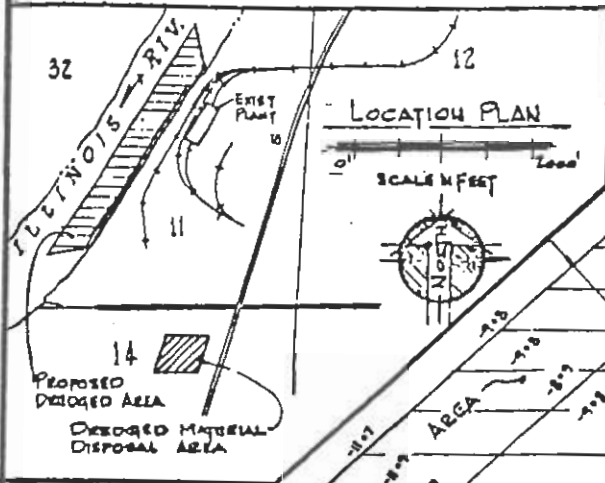
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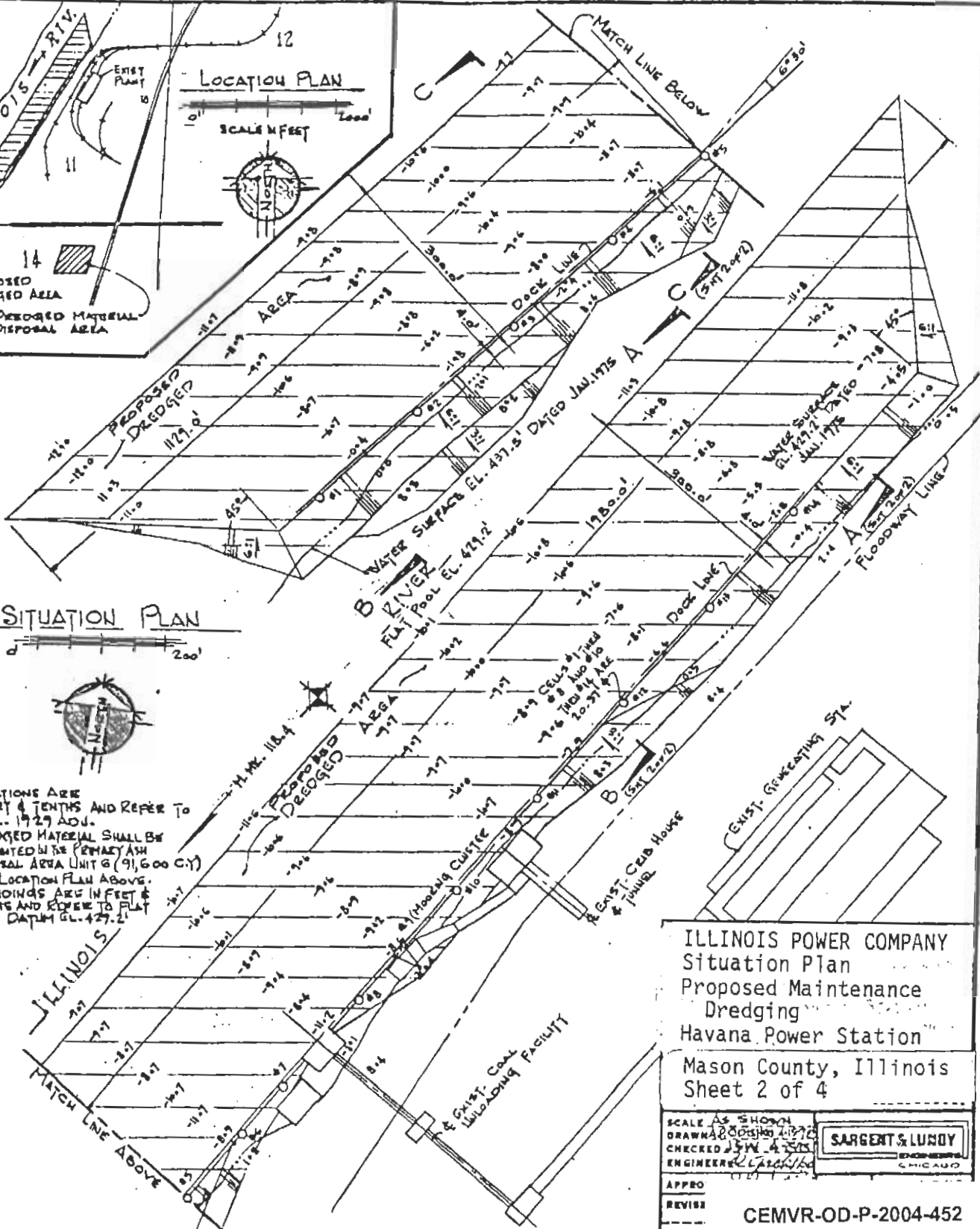
ILLINOIS POWER COMPANY

Vicinity Map
Proposed Ma
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Sheet 1 of

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Vicinity Map
Sheet 1 of 3



- NOTES:
1. ELEVATIONS ARE IN FEET & TENTHS AND REFER TO M.S.L. 1929 ADJ.
 2. DREDGED MATERIAL SHALL BE DEPOSITED IN THE PRIMARY ASH DISPOSAL AREA UNIT G (91,600 C.Y.) SEE LOCATION PLAN ABOVE.
 3. SOUNDINGS ARE IN FEET & TENTHS AND REFER TO FLAT POOL DATUM EL. 427.2'

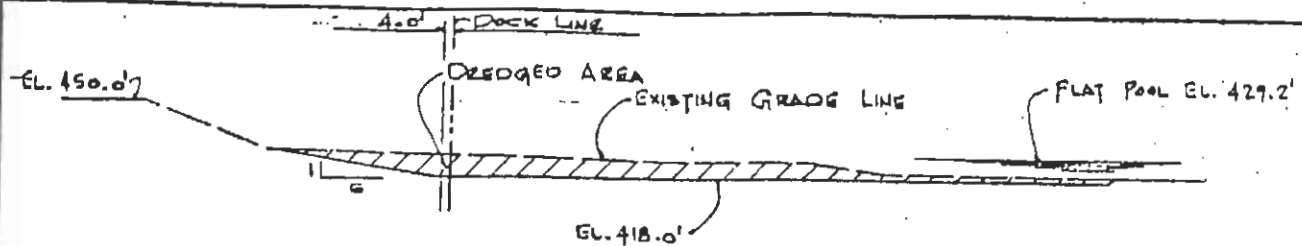


ILLINOIS POWER COMPANY
 Situation Plan
 Proposed Maintenance
 Dredging
 Havana Power Station
 Mason County, Illinois
 Sheet 2 of 4

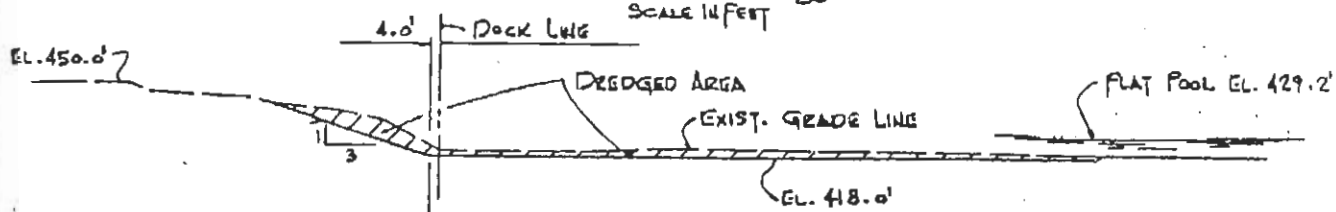
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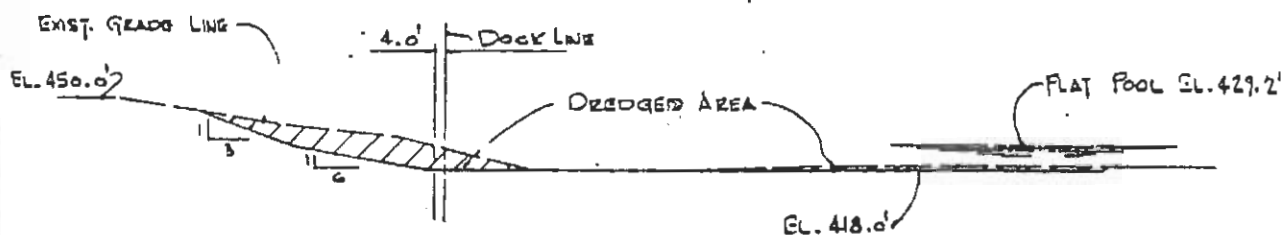
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 Site Plan
 Sheet 2 of 3



SECTION A-A



SECTION B-B



SECTION C-C

ILLINOIS POWER COMPANY
 Situation Plan
 Proposed Maintenance
 Dredging
 Havana Power Station

Mason County, Illinois
 Sheet 3 of 4

SCALE AS SHOWN
 DRAWN BY
 CHECKED BY
 ENGINEER

SARGENT & LUNDY

APPROVED
 REVISED

CEMVR-OD-P-2004-452
 Typical Section
 Sheet 3 of 3